

THE FOLLOWING

AFFIDAVITS

Are for clearing Colonel Charteris of what is falsely charged against him by Hurley and his Evidences, and more particularly by the Affidavits of Samuel Dunn and John Webb, lately printed and dispersed by Hurley, under the Title of, Fresh Proofs against Colonel Charteris. K

T *Thomas Marphy*, Marshal of the Savoy, maketh Oath, That *Patrick Hurley*, being a Soldier in Colonel *Charteris's* Company, the said *Hurley* applied to this Deponent to procure his Discharge out of the said Company; in pursuance whereof, this Deponent went to Colonel *Charteris*, and told him what *Hurley* proposed to do, so as he might be discharged; which was, That he would procure Six Men, or 30 *l.* in Money: To which the Colonel replied, That *Hurley* had a very scandalous Character, that he would meddle with none of his Money; but if he would get him Six Men, he should be discharged; which the Deponent promised, and whereunto *Hurley* agreed. That sometime after this the Colonel went to *Scotland*, and after he was gone, the Deponent, that he might be able to perform the said Agreement, and for a further Security of some Money the said *Hurley* owed to the Deponent, he took from *Hurley* some Mortgage Deeds of Value upon Lands in *Ireland*: All which was transacted by this Deponent with *Hurley* in Absence of the Colonel, who was then gone for *Scotland*, as the Deponent was informed. And this Deponent further says, That in the Absence of Colonel *Charteris* *Hurley* gave to Serjeant *Cook* a Note for Fifty Pounds, which was taken by the said *Cook* from *Hurley*, the better to secure this Deponent. And the Deponent further saith, That it was agreed between the said *Cook* and him, that 30 *l.* should be given to the Deponent to procure the Six Men, and the other 20 *l.* was to be disposed of as *Cook* and the Deponent should agree: And the Deponent saith, That to his best Knowledge Colonel *Charteris* knew nothing of the taking of the said Note or Mortgage Deeds, directly nor indirectly, and that his Name is not so much as mentioned in the Note; and that the Deponent never knew or heard of any other Note given by *Hurley* to *Cook*, or Colonel *Charteris*.

The 50 *l.* Note and Mortgages given in the Colonel's Absence, and he knows nothing of them.

Jurat coram me,
May 4. 1711.

Richard Bealing.

Tho. Marphy.

Copy of a Letter written by Hurley to Morphy, which agrees with a Part of the said Oath.

Cousin Morphy,

Thursday, Four of the Clock.

IF you will be so kind to add 13 *l.* to the 17 *l.* you lent me, and so make it up 30 *l.* I will take it for a very great Favour, and will give you a Judgment for the whole, payable with Interest Six Months hence, with an Assignment on the Mortgage for further Security. You'll have no Reason to repent doing me this Friendship. I am

Your Cousin and Servant,

Patrick Hurley.

John Web's Affidavit, whereby Hurley thought to make Colonel Charteris guilty of a false Muster; but by the following Affidavits, and the Muster-Master's Declaration, it will appear that he is of a Piece with Hurley.

John Web, of Newington in the County of Middlesex, Farrier, maketh Oath, That in the Beginning of May last, he this Deponent being under Apprehension of an Arrest for Debt, came to Colonel Francis Charteris, who promised he would protect this Deponent in his Company in the Guards for Five Pounds; That the Deponent refusing to give so much, offer'd him Three Pounds, which the Colonel accepted of; but told the Deponent, he must do Duty, was it but for Two Hours, because the Serjeant might be able to swear to it; and thereupon sent his own Servant along with the Deponent to his Serjeant Tho. Cook, who paid the Deponent 40 *s.* before Witnesses, read the Articles of War over to him, and then received back the 40 *s.* That the Deponent never did any Duty but once, for the Serjeant to swear by; That he never muster'd but in May and July last; That to get Money out of this Deponent, he was sent Three Times Prisoner to the Savoy; and he was forced to sell some of his Household-Goods to pay Serjeant Cook Five Pounds, in Two Payments, for the Colonel's Use; and that Serjeant Cook gave this Deponent a Note in Writing, and told him he was discharged: Yet he was, after being discharged, put upon the Muster-Roll of September and November last; and for any Thing this Deponent knows, they continue so to do on every Roll since. This Deponent further deposeth, That he never received any Pay for the Time he was concerned in the Company.

Jurat' coram me,

April 30. 1711.

Will. Rogers.

John Web.

Web's Affidavit delivered in at the Door disprov'd.

Thomas Cook, Serjeant in Lieutenant-Colonel Charteris's Company, maketh Oath, That John Webb, Farrier, a Soldier in the said Company, mounted Guard several Times, particularly the Queen's Guard, and the Tower Guard; and hath been at several Reviews, both by Major-General Patton's Orders and the Colonel's, and got his Pay from this Deponent: That the Major-General having judged Webb to be under Size for the Guards, this Deponent (when the Colonel was in Scotland) got from Webb Five Pounds to procure his Discharge and provide another Man in his Room: That the said Webb was never muster'd as a Soldier in the Company since the

the 25th of *August* last. This Deponent further saith, That he got a Note of 50 l. from *Hurley* when the Colonel was in *Scotland*; the Tenor of which is as follows: *I will lay out 50 l. upon the Company, and will lodge it in your Hands, or any Hands the Colonel orders; and will give you 10 l. for your Trouble:* Sic Subscriptur, *Pat. Hurley*: And that he never knew of any other Note granted by *Hurley* to himself or the Colonel. And this Deponent saith, That the Colonel knew nothing of his taking the said Note, and that he never gave him Orders to take it, directly nor indirectly: As also, That Serjeant *Williams* was committed to the *Savoy* for protecting concealed Men, and was turned into *Chelsea-College* at his own Request, and delivered Three Men to the Colonel upon account of Cloaths and Arms which were wanting, conformable to Major-General *Tatton's* Determination; to whom the Difference betwixt the Colonel and *Williams* was at *Williams's* own Desire referred. And this Deponent further saith, That at the last Muster before the Complaint was made of the Colonel to the Honourable House of Commons, the Colonel mustered a full and compleat Company, all duly listed in the Terms of the Act of Parliament; And further says, That what he said before the Committee concerning *Wilson* and his Wife is true; and that *John Man* got his Pay, and that he never threaten'd to send him Abroad, nor got Order to do so.

Copy of the 50 l. Note taken without the Colonel's Knowledge or Orders.

Serjeant *Williams's* Testimony disprov'd.

Jurat' coram Charles Peter, Thos. Cook.
May 4. 1711.

John Harne, Corporal in the said Company, maketh Oath, That about the Middle of *February* last, he and Corporal *Dun* wanting Money, by Reason their Subsistence was owing from the 22d of *December* last, Serjeant *Pitman*, by the Colonel's Order, gave to the Deponent and *Dun* Two Guineas and a half in Part of their Subsistence; and that they got no Orders to appropriate it for Drinking with the Soldiers; and that he never heard of any such Orders or Direction given afterwards, as is most falsely suggested in a pretended Affidavit made by the said *Dun*, a Copy of which the Deponent has seen. This Deponent further says, That he has seen *John Web* several times upon Duty, and for his neglecting once to do his Duty, Corporal *Dun* and this Deponent carried him to the *Savoy*; That *John Web* has never been mustered as a Soldier in the Company since the 25th of *August* last; That at the last Muster, the Colonel having threatned to beat *Dun* for speaking to *Hurley* with his Hat off when he was under Arms, *Dun* swore he would be reveng'd of him.

Dun's Affidavit delivered in at the Door disprov'd.

Web's Oath disprov'd.

Jurat' coram Charles Peter,
May 4. 1711.

The Mark of o *John Harne.*

Lawrence Corbett, Corporal in the said Company, maketh Oath, That at the last Muster, the Colonel having threatned to beat Corporal *Dun* for speaking to *Hurley* with his Hat off when he was under Arms, *Dun* swore he would be reveng'd of him; as also, that he knew *John Web*, and has seen him upon Duty several times.

Dun and Web's Oaths disprov'd.

Jurat' coram Charles Peter,
May 4. 1711.

Lawrence Corbett.

The Colonel has likewise a Declaration signed by the Muster-Master, That *Web* was never mustered as a Soldier in the Company since the 25th of *August* last, though *Web* swore the contrary.

George Kemble, of *London*, Gent. maketh Oath, That he this Deponent was employed by Serjeant *John Williams* to make his Peace with Colonel *Charteris*, who had committed him the said *Williams* to the *Savoy* for con-

Williams's Testimony disprov'd.

ADVA
TO
COL. CHARTE

concealing of some Men in the Company, as this Deponent believes. And this Deponent further saith, That the Matters in Difference were afterwards referred to Major-General *Tatton*, who awarded the said *John Williams* to give the said Colonel Three Men, on Condition that he the said *Williams* should be put into *Chelsea-Hospital*, which was complied with both by the said Colonel and the said *John Williams*. And what this Deponent said before the Committee, in Relation to *Wilson* and his Wife, is true.

Jurat coram me,

May 3. 1711.

George Kemble.

John Tully.

Note, That none have complained of the Colonel for protecting Men against their Creditors, or for Want of Pay, or pretended that Money was taken or extorted from them, but *Hurley*, *Man*, *Milson*, and *Wilson*. And the Testimonies of the Three last ought to be as little regarded as *Hurley's*; for besides that they are clearly taken off by what has been proved before the Committee, it is plain that what they said was out of Malice, they being discharged out of the Company by the Colonel, who would not protect them; and they are all Three actually put in Goal by their Creditors.

It is to be observed, that Major-General *Tatton* has declared before the Committee, that the Colonel spared no Manner of Trouble or Expences to have a good and compleat Company, and has appeared to be so.

The Original *Affidavits* have been seen by several Members of Parliament, and the Witnesses are ready to declare at the Bar of the House what they have here said, and which they have in a great Measure already declared before the Committee.

Note, *Hurley* often insists upon the Colonel's having told the Witnesses, that they were not to be upon Oath before the Committee: But the Colonel humbly presumes, that he has now taken off all his Alledgences by clear *Affidavits*.

AFFIDAVIT
FOR
Lieut. Col. CHARTER